

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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SHERRY LEE TYSON,

Plaintiff,

ORDER

v.

08-cv-383-bbc

MICHAEL ASTRUE,  
Commissioner of Social Security,

Defendant.

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On March 20, 2009, I entered an order reversing the decision of the commissioner and remanding this case to the Social Security Administration. Plaintiff was represented in this court by attorney David Traver. On remand, the commissioner issued a favorable decision and determined that plaintiff was entitled to past-due benefits. Now before the court is plaintiff's motion for an order authorizing attorney fees pursuant to section 206(b)(1) of the Social Security Act, codified at 42 U.S.C. § 406(b)(1). Plaintiff is seeking approval of attorney fees to Traver in the amount of \$3,677.76. This amount represents 25 percent of plaintiff's past-due benefits, less \$5,300 that was paid to a different lawyer (Lionel Peabody) who represented plaintiff at the administrative level, less \$6,030.24 that Traver was previously awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The amount sought by Traver is consistent with his contingent fee contract with plaintiff,

wherein plaintiff agreed to pay her lawyers 25 percent of any past-due benefits that were awarded to her.

Having considered the fee agreement, the amount of time counsel spent on this case, the excellent results he obtained for plaintiff and the lack of any objection by defendant, plaintiff's motion will be granted. The fees requested by counsel are reasonable.

#### ORDER

IT IS ORDERED that plaintiff's motion for an order approving an award of attorney fees pursuant to 42 U.S.C. § 406(b) is GRANTED. Plaintiff's attorney, David Traver, is entitled to attorney fees in the amount of \$3,677.76, which represents 25 percent of plaintiff's past-due benefits awarded by the Social Security Administration, less \$5,300 in fees sought by attorney Peabody, less \$6,030.24 in attorney fees that this court awarded previously to Traver under the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The award of \$3,677.76 should be made payable directly to Traver.

Entered this 27<sup>th</sup> day of November, 2009.

BY THE COURT:

/s/

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BARBARA B. CRABB  
District Judge